

‘Not parliamentary?’: Australian semi-parliamentarism and the role of the Australian Senate

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In the early 2000s, the American parliamentary scholar, Stanley Bach, visited Australia to study our bicameral legislative-executive relations. His conclusion after writing a wonderful book about the Senate was that Australia was ‘not parliamentary’, but some kind of strange hybrid like the platypus – a mammal that lays eggs.¹ Indeed, political scientists have struggled to label the Australian political system, with many names arising over the years. The most famous is Elaine Thompson’s the ‘Washminster mutation’, but there have been other variants such as ‘strong bicameralism’.²

‘Not parliamentary’ encapsulates the dilemma at the heart of attempting to classify Australia’s legislative-executive relations, and the (beneficial but mostly unintended) consequences that the constitutional framers baked into our system in 1901. I encountered this dilemma myself when I was asked to contribute to a special symposium on the subject of Australia’s executive-legislative relations by another visitor, this time a German, Professor Steffen Ganghof, from the University of Potsdam.³ Professor Ganghof had developed a new definition for a political system that was not parliamentary, but shared more features with a parliamentary system than not.⁴ Ganghof designated this system as ‘semi-parliamentary’, in part as a compliment to Maurice Duverger’s ‘semi-presidential’ concept.⁵

Describing Australia as semi-parliamentary neatly encapsulates what is distinctly different about Australia’s executive-legislative relations: Australia, alongside other semi-parliamentary states (for example Japan), has institutional features which better equip it to manage the traditional trade-off between efficiency and representativeness. In specific terms, this means that Australia’s Commonwealth Government only relies on confidence in the lower house,

* This paper was presented as part of the Senate Lecture Series on 10 February 2023.

¹ Stanley Bach, *Platypus and Parliament: The Australian Senate in theory and practice*, Department of the Senate, Canberra, 2003.

² Elaine Thompson, ‘The “Washminster” mutation’, in Patrick Moray Weller and Dean Jaensch (eds), *Responsible government in Australia*, Drummond for the Australasian Political Studies Association, Victoria, 1980; and Arend Lijphart, *Patterns of democracy: government forms and performance in thirty-six countries*, Yale University Press, New Haven, 2012.

³ Steffen Ganghof, Sebastian Eppner and Alexander Pörschke, ‘Australian bicameralism as semi-parliamentarism: patterns of majority formation in 29 democracies’, *Australian Journal of Political Science*, vol. 53, issue 2, 2018, pp. 211–233; and Marija Taflaga, ‘What’s in a name? Semi-parliamentarism and Australian commonwealth executive-legislative relations’, *Australian Journal of Political Science*, vol. 53, issue 2, 2018, pp. 248–255.

⁴ Steffen Ganghof, ‘A new political system model: semi-parliamentary government’, *European Journal of Political Research*, vol. 57, issue 2, 2017, pp. 261–281.

⁵ Maurice Duverger, ‘A new political system model: semi-presidential government’, *European Journal of Political Research*, vol. 8, issue 2, 1980, pp. 165–187.

which means our upper chamber is free to experiment with democratic innovations without jeopardising the government's ability to set a clear agenda and to be responsible for its success and failure.

Do labels matter?

Do we really need yet another typology to describe our system? As I have already outlined above, describing Australia as 'semi-parliamentary' helps to distinguish the important institutional differences in Australia's executive-legislative relations. However, this is a rather abstract argument. I now want to turn to a real world example of why labels might matter and why the average citizen should care (even a little) about how we label our system.

The 1975 crisis: an example of when labels go wrong

It's November 1975. The Whitlam Government is attempting to stare down an intransigent Senate to get its budget passed. This is not the first time that the Whitlam Government has had to face this kind of obstruction from the upper chamber, but in the previous occasion the dispute was resolved by resorting to an election.⁶

The 1975 dismissal crisis is an evocative encapsulation of what happens when political actors do not have an agreed definition of the operating system that they are functioning within and its attendant norms. The first major difficulty was simply that the Liberal and Country parties were not convinced that Labor had a legitimate right to occupy office. This is an important norm – a big one – but it is not related to the discussion of semi-parliamentarism here. The second, and it goes to the heart of what generated the crisis, is that politicians of the day did not agree what were the powers of the Senate.

Without raking over a history that most people know, it was deeply ironic that both Gough Whitlam and Lionel Murphy had spent much of the late 1960s innovatively advocating for, and effectively rediscovering, the Senate's latent and dormant powers.⁷ Of particular note, was their advocacy about the Senate's veto power over normal legislation and its effective veto over budgetary bills. One strand of the dismissal debate has turned on whether the Senate *could* do what it did by blocking supply. But in reality, it was always a question of whether the Senate *ought* to have done what it did. The crux of the dispute rested on reconciling the fact that because the Senate had not used its veto powers before. When the Senate did exercise these powers, the political system struggled to recognise that the upper chamber had, in fact, always held those powers. A decision to not use powers, does not invalidate their eventual exercise, which is what happened in November 1975.

Third, and what is perhaps less well understood, is the way that Whitlam chose to react to the news that he had been sacked. After Sir John Kerr had dismissed him at Government House, Whitlam returned to the Lodge where, famously over beefsteaks, he formulated his tactical response to Kerr and Malcolm Fraser's actions with his closest political confidants. The Labor

⁶ Jenny Hocking, *Gough Whitlam: his time: the biography*, vol. 2, Miegunyah Press, Carlton, 2012.

⁷ For recent accounts see Jenny Hocking, *Gough Whitlam: his time: the biography*, vol. 2, Miegunyah Press, Carlton, 2012; Paul Kelly and Troy Bramston, *The Dismissal: in the Queen's name*, Penguin Books, Melbourne, Victoria, 2016; Frank Bongiorno, *Dreamers and schemers: a political history of Australia*, La Trobe University Press, Melbourne, 2022; and Harry Evans, *Odggers' Australian Senate practice*, ed Rosemary Laing, Department of the Senate, 14th edition, 2016.

brains trust came up with an ingenious solution – one that went to the heart of parliamentary practice – which was to call a vote of no-confidence on the floor of the House of Representatives. The logic behind this move was the fact that the Fraser opposition did not have the numbers in the lower house and therefore could not under the doctrine of responsible government, maintain confidence of the House of Representatives. The consequence of a failed confidence motion would require the Fraser Government to resign. This would place Governor-General Kerr in the invidious position of having sacked one prime minister only to have another, his alternative, sacked by the parliament.⁸ What would Kerr have done in such a circumstance?

Indeed, Kerr was incredibly lucky that he did not end up in that situation. Because in all the excitement, and all the planning, no-one bothered to inform the Labor Senate leadership team of what happened. And so, when Reg Withers and the Liberal Senate leadership team informed Labor's Senate team that they were ready to vote, the Labor senators were only too happy to oblige. The budget, upon which everything hinged, was passed. Whitlam's lower house tactical manoeuvring worked – Fraser was not able to maintain confidence on the floor of the House of Representatives – but it did not matter because the budget had been passed, the immediate crisis had been averted. With the budget passed the machinery of government would keep working and the government would not be facing a literal shutdown. The constitutional crisis was over, and the political crisis would be resolved with an election. This was precisely the deal (pass the budget and go to an election) that Kerr had struck with Malcolm Fraser.

Whitlam's tactical manoeuvring and planning failed because it did not fully account for the role of the Senate. He was thinking like someone in a parliamentary system. In this kind of system, the confidence college – the part of the legislature (the House of Representatives) that is responsible for supplying confidence to the executive (the government) – is supreme. In such a system, the other part of the legislature, if there is even one, does not have its own mandate or equal source of legitimacy from voters and the attendant powers to match. Had Whitlam fully appreciated that he operated in a semi-parliamentary system he may have strategised differently, and the 1975 crisis as we know it may have gone another way.

This is an illustrative example of why something seemingly as trivial as the correct label for something might in fact really matter. It is also an illustrative example of why we might call Australia 'semi-parliamentary' rather than 'parliamentary'. 'Parliamentary' simply cannot account fully for the role of the Senate and its real-world impact on the way politics actually operates in Australia. But does this really matter?

Correct labels resolve disputes and help us develop reforms

First, labels and/or names do matter. It is a matter of common sense that if we all agree that swans can be either black or white, then we are doing a better job of describing reality. In the case of a political system, it can help us to resolve disputes more quickly if we have agreed terms that reflect reality accurately. A real-world example of this is the (increasingly less)

⁸ Jenny Hocking, *Gough Whitlam: his time: the biography*, vol. 2, Miegunyah Press, Carlton, 2012; and Frank Bongiorno, *Dreamers and schemers: a political history of Australia*, La Trobe University Press, Collingwood, Melbourne, 2022.

common refrain of lower house members criticising the Senate for being 'obstructionist'. Political history has demonstrated to us that not only can the Senate block legislation, but enough Australians clearly like it that way, and vote accordingly.

In addition, the right labels can also help us to diagnose or clearly identify problems in our political system that we would like to resolve. In this case, it is *not* the fact that we have 2 chambers (a bicameral system), or even that the Senate is powerful that generated the 1975 crisis.⁹ Rather, it was that the actors involved did not have an *agreed definition* about who could do what and the attendant norms or 'the rules of the game' about what their use could or would mean. Thus, a deadlock arose and was ultimately resolved in a highly destructive way. The resolution of the 1975 constitutional crisis eventuated in some formalisation of unwritten norms (for example, removing state premier's powers to appoint replacement senators against the wishes of the relevant parties) and it generated an informal norm where parties would pledge not to block the budget at election times. Likewise, having a clearer idea of where problems are aids in designing their solutions.

In addition, a clear conception of what a political system is, also means it is easier to compare and learn from other political systems, which may also be useful for identifying solutions. In a nutshell, better descriptions unlock research potential by identifying the relevant institutional features and cases for comparison. When we understand the parameters and relevant facts, comparisons with similar semi-parliamentary countries (for example Japan) or legislatures (for example New South Wales (NSW)) can be more meaningful and nuanced. Moreover, understanding the distinction between Australia and other Westminster states, which are typically compared with Australia, become richer as well. Finally, a more sophisticated understanding of the dynamics and interactions of the efficiency-representational trade-off should also spark new questions for scholars to compare other non-Westminster or Anglosphere legislatures with Australia.

A second reason to care whether Australia is a semi-parliamentary system is directly related to our ability to consider the normative possibilities of our political system. Reform debates in Australia are often defined by a set of arguments around the importance of stable government. Rhetorically, this argument rests on the idea that voting for non-parties of government or changing the voting system to achieve higher degrees of proportionality will undermine stable cabinet formation. But, by recognising that our system is not actually parliamentary but semi-parliamentary, we can potentially move beyond the idea that we must make a binary trade-off. This is because our system is *already* set up to accommodate institutional innovations that can allow us to maximise the strengths of both efficiency or representative focused parliamentary systems – that is stability, efficiency, and proportionality with the strength of presidential systems – where their strengths relate to a clear separation of powers and multiple mandates.

⁹ André Kaiser, 'Parliamentary opposition in Westminster democracies: Britain, Canada, Australia and New Zealand', *The Journal of Legislative Studies*, vol. 14, issue 1, 2008, pp. 20–45.

What is a 'semi-parliamentary' system anyway?

Here is the minimal definition of a semi-parliamentary system as defined by the ideas author, Steffan Ganghof.¹⁰ A minimal definition for an 'ideal type'. This means that it reflects the absolute minimum number of qualities or conditions that make up 'semi-parliamentarians'. Another way to think about it is that it is a textbook definition rather than reflecting the messiness of reality. The textbook definition has 3 components, which we will review later in greater depth:

- The first, is that no part of the executive is directly elected.
- The second, is the prime minister and the cabinet are selected by an assembly with 2 parts, only one (in our case, the House of Representatives) can dismiss the cabinet in a no-confidence vote.
- Third, that there must be a second part of the legislature (in our case, the Senate), which has equal or greater democratic legitimacy and a robust veto power over ordinary legislation.

We can see some resemblance to Australia's Commonwealth political system. However, to really understand the difference it is important to explain where semi-parliamentarism fits within other executive-legislative relationships.

There are 2 main families of executive-legislative relationships. Parliamentary regimes and presidential regimes. Both types have different institutional logics and tend to produce consistently different results which relate directly to their strengths and weaknesses.

How does semi-parliamentary compare to parliamentary and presidential regimes?

The major strength of parliamentary systems is typically understood to be their ability to streamline accountability. This is because executives are responsible to a legislature that can sack them. This is in direct contrast to presidential systems, which typically have more formalised separations of power. This has some advantages, but the trade-off is lower levels of accountability (though strictly speaking this is debated depending on how accountability is framed/defined).¹¹ For example, in many systems, the legislature cannot sack a president except in extreme circumstances, and even then, it is typically very difficult to do by design. The other advantage of a presidential system is that presidents have a high degree of popular legitimacy because they are directly elected by the people. By contrast, parliamentary systems typically have prime ministers that are appointed by the legislature. However, these days, prime ministers are, in reality, appointed by their parties and have a quasi-popular mandate. Parliamentary systems are typically considered to be more institutionally flexible and therefore better able to adapt with changing times.¹²

¹⁰ Steffan Ganghof, 'A new political system model: semi-parliamentary government', *European Journal of Political Research*, vol. 57, issue 2, 2017, pp. 261–281; and Steffan Ganghof, *Beyond presidentialism and parliamentarism: democratic design and the separation of powers*, Oxford University Press, Oxford, 2021.

¹¹ Kaare Strøm, 'Delegation and accountability in parliamentary democracies', *European Journal of Political Research*, vol. 37, issue 3, pp. 261–289.

¹² Arend Lijphart, *Patterns of democracy: government forms and performance in thirty-six countries*, 2nd edition, Yale University Press, New Haven, 2012; Nils-Christian Bormann, 'Patterns of democracy and its critics', *Living Reviews in Democracy*,

What about weaknesses? Parliamentary systems are believed, theoretically, to have greater potential to deliver efficient government and have clear lines of accountability (again, research suggests that there is actually a great deal of heterogeneity amongst parliamentary systems).¹³ However, parliamentary systems do often struggle to balance the legislative parts of the job – that is being representative, deliberative and offering criticism in the legislature and its organs with the disciplinary demands of providing confidence to a government. That is, these days, legislatures in parliamentary systems are often dominated by their executives and therefore do not always do the best job of scrutinising the government.¹⁴

However, the weaknesses of presidential systems are considered to be more serious.¹⁵ Presidential systems concentrate executive power into the hands of one person, which is dangerous for obvious reasons. It is perhaps glib to say, but a president is, in effect, a secular King. One of the major ways that presidential systems manage this problem, is by introducing term limits. However, this does have the consequence of:

1. denying governing talent from a regime
2. undermining accountability.

Once a president is in their second term, a major accountability lever (elections) is lost. If a regime is unable to enforce term limits, then the danger of concentrating all that executive power into the hands of one person becomes terribly apparent and a regime may backslide into autocracy.

In reality, parliamentary systems are either set up to favour efficiency or representational values. Efficiency is achieved through majoritarian voting systems which increase the probability of stable majorities with clear lines of accountability. While representational values are achieved via proportionality, typically through proportional representational voting systems common in European democracies or New Zealand. In these systems, coalition governments are formed, reflecting the preferences of a wider number of citizens, but where policy outcomes are subject to compromise. This type of broader coalition building can blur lines of accountability for voters because it can be difficult for voters to track exactly why deals were made and for what trade-offs. As noted, electoral systems play a significant role in how incentives in parliamentary systems manifest, but equally important are the relative balances of power that are struck within each parliamentary system. What is relevant for our purposes is the fact that in parliamentary systems the part of the legislature in charge of providing confidence (hiring and firing) for the cabinet (the government), is often not counterbalanced by another part of the legislature with its own equal mandate and equal powers. Australia is different. In our country, our Senate is that imperfect counterbalance.

In recent decades, scholars have come to realise the typology of just parliamentary and presidential systems is not effective at capturing variation across systems. In the case of

vol. 1, issue 1, 2010, pp. 1–14; and Klaus H Goetz, 'New institutional approaches to the study of political executives', in Rudy B Andeweg, Robert Elgie, Ludger Helms, Juliet Kaarbo and Ferdinand Müller-Rommel (eds), *The Oxford handbook of political executives*, Oxford University Press, 2020.

¹³ José Antonio Cheibub, Zachary Elkins and Tom Ginsburg, 'Beyond presidentialism and parliamentarism', *British Journal of Political Science*, vol. 44, issue 3, 2014, pp. 515–544.

¹⁴ Graham Maddox, *Australian democracy in theory and practice*, Longman Australia, Melbourne, 1996.

¹⁵ Juan J Linz, 'The perils of presidentialism', *Journal of Democracy*, vol. 1, issue 1, 1990, pp. 51–69; and Steffen Ganghof, *Beyond presidentialism and parliamentarism: democratic design and the separation of powers*, Oxford University Press, Oxford, 2021, pp. 148–167.

presidential systems, Maurice Duverger argued for the existence of a 'semi-presidential' system.¹⁶ This subtype of presidential system was a polity (for example France) where a president and a prime minister have their own mandates and share executive office. A few years ago, Steffen Ganghof argued the same about parliamentary systems.¹⁷ Specifically, that there was a distinct and different subgroup called 'semi-parliamentary' systems. Ganghof argued that the Australian Commonwealth, most of the Australian states and Japan constituted examples of such a system.

A minimal definition of semi-parliamentarism

It is helpful to examine the minimal definition of a semi-parliamentary system in a bit more detail.

The **first** condition is that no part of the executive is directly elected. Put another way, for the executive only one mandate is sought. This mandate is channelled via the chain of delegation from voters to the legislature and then to the executive. That is, the executive holds an indirect mandate, which is channelled through, and dependent on, the legislature. In the Westminster tradition we call this responsible government.¹⁸ That is, the executive is drawn from the legislature and is in turn responsible to it. Put another way, the legislature can fire the cabinet. There are no rival sources of legitimacy for executive power.

The **second** condition is that the executive is selected by a legislature with 2 parts, where *only one* part has the power to dismiss the cabinet via a no-confidence vote. This has important implications. As only one part of the legislature is responsible for supplying confidence to the government (our House of Representatives), it means the other part of the legislature (our Senate) can go in very interesting and creative directions in terms of democratic and normative experimentation. Importantly, this second part of the legislature (our Senate) can do this without threatening the formation of stable government with clear lines of accountability. Which in this case may simply boil down to everyone knows who to blame when something has gone wrong.

It is important to note that we are discussing *2 parts* and not *2 chambers*. A semi-parliamentary system *does not* rest on it being bicameral. In fact, it is entirely possible to construct a semi-parliamentary system with one chamber. All that is required is that one part of the legislature is in charge of supplying confidence to the cabinet and the other part can (in theory) do whatever it likes. For example, we could have a unicameral semi-parliamentary system by having a nationwide electorate that used a proportional representational voting system. You might argue that parties need to clear a 2% threshold to claim their seats on a strictly proportionate basis, but a party would need to clear a much higher percentage of the

¹⁶ Maurice Duverger, 'A new political system model: semi-presidential government', *European Journal of Political Research*, vol. 8, issue 2, 1980, pp. 165–187.

¹⁷ Steffen Ganghof, 'A new political system model: semi-parliamentary government', *European Journal of Political Research*, vol. 57, issue 2, 2017, pp. 261–281; and Steffen Ganghof, Sebastian Eppner and Alexander Pörschke, 'Australian bicameralism as semi-parliamentarism: patterns of majority formation in 29 democracies', *Australian Journal of Political Science*, vol. 53, issue 2, 2018, pp. 211–233.

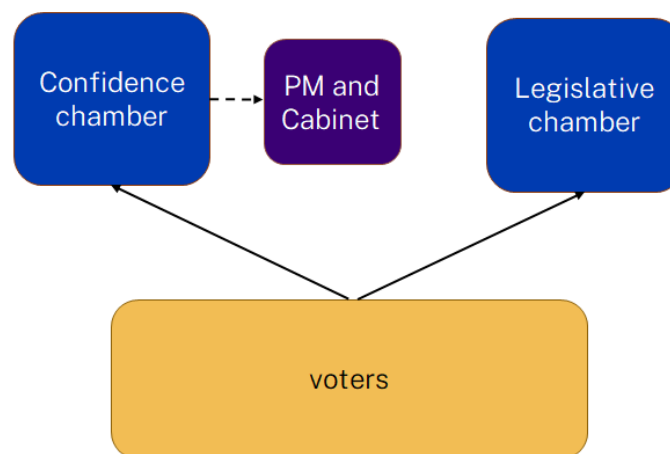
¹⁸ R. A. W Rhodes, John Wanna and Patrick Weller, *Comparing Westminster*, Oxford University Press, Oxford, 2009.

vote (for example 10%, 15%, 20% and so on), in order to vote in no-confidence motions. In this way, 2 parts of a legislature exist, but with different jobs.¹⁹

The **third** element is that the second part of the legislature – in Australia that is our Senate – has equal or greater democratic legitimacy. That is, it has its own mandate from voters, which is where our Senate differs from the House of Lords in the United Kingdom (UK) or the Canadian upper chamber whose members are appointed by the government of the day. It also matters that this second part of the legislature has robust veto powers, which make it a meaningful adversary for the part of the legislature responsible for providing confidence to the cabinet (in Australia this is the House of Representatives).

Here is an example of what this looks like in abstract terms (Figure 1).

Figure 1: 2 parts of the legislature: an ideal type of semi-parliamentary executive-legislative relations



Caption: This work is adapted from 'Semi-presidential and semi-parliamentary government' by Steffen Ganghof, used under [CC BY-NC-ND 4.0 DEED](#).²⁰

Voters elect the confidence chamber from which the executive is selected. Voters also elect a legislative chamber, which can concentrate on the deliberative, representational, and scrutineering jobs. In this idealised/simplified schema Ganghof has (perhaps cynically) highlighted the lack of deliberation going on in the confidence chamber, which is focused on maintaining the position of the government.²¹

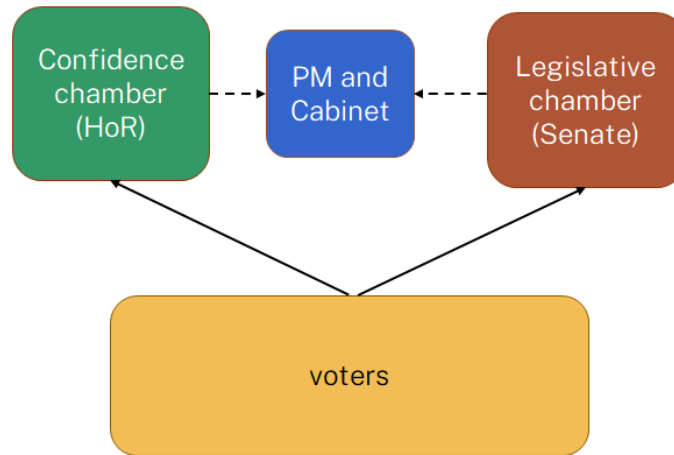
Here is what it looks like at the Australian Commonwealth level (Figure 2).

¹⁹ Steffen Ganghof, 'A new political system model: semi-parliamentary government', *European Journal of Political Research*, vol. 57, issue 2, 2017, pp. 261–281.

²⁰ Steffen Ganghof, *Beyond presidentialism and parliamentarism: democratic design and the separation of powers*, Oxford University Press, Oxford, 2021.

²¹ Ibid.

Figure 2: 2 parts of the legislature in semi-parliamentary terms in the Australian Commonwealth



Voters elect the House of Representatives, which is typically dominated by the government of the day. The Australian House of Representatives acts like a conference chamber. Voters also elect a legislative chamber, the Senate, which is more proportional though not absolutely so. This is where the majority of the deliberative and scrutinising work of the legislature is thought to be done in the Australian Commonwealth. This reality is in large part the result of the power of the Senate's committee system and reflected in the Senate's standing orders, which are much more favourable to smaller parties and the opposition.²² At the Commonwealth level the executive is drawn from both chambers, but critically the government lives or dies by its ability to maintain confidence in the House of Representatives alone.²³

We might think that the Senate is more deliberative and representative than the House, but we can also legitimately ask could it be more deliberative? As mentioned above, Ganghof's minimal definition reflects an ideal type, which was developed using 6 normative dimensions to assess a semi-parliamentary system.²⁴ Currently, the Australian Senate is only performing strongly in 3 out of 6 dimensions. The main reason is because of the high degree of disproportionality in our upper house. For example, a Senate vote in NSW is worth less than it is in Tasmania because of the differences in population size. The Australian Senate also lacks an absolute budget veto, however, as we have seen with the example of the dismissal crisis above, it has a *near* absolute budget veto. Additionally, the Senate does not maintain its veto when the conflict resolution mechanism is triggered, that is, we have the double dissolution mechanism to resolve deadlocks between the chambers.

Incidentally, institutionally at least, NSW does meet the definition of an ideal type. However, anyone who follows politics and the 'bear pit', would not readily characterise NSW politics as

²² Harry Evans, *Odgers' Australian Senate practice*, ed Rosemary Laing, Department of the Senate, 14th edition, 2016.

²³ D. R Elder and P. E Fowler, eds, *House of Representatives Practice*, 7th edition, Department of the House of Representatives, Canberra, 2018.

²⁴ Steffen Ganghof, 'A new political system model: semi-parliamentary government', *European Journal of Political Research*, vol. 57, issue 2, 2017, pp. 261–281.

an ideal type of gentle democracy and it retains features many citizens do not like, such as highly visible adversarialism. That is because the institutional design of a political system is not the only factor in determining how systems run. The actors matter too, which I discuss below.

But why does this matter?

Before we continue, it is important to remind ourselves why this matters. The answer is quite simple: it relates to possible political reforms in Australia. When public debate arises on reforming our parliamentary system, political elites often frame the discussion as a false binary between stable government and greater representation. But as I have attempted to demonstrate, *our political system is already structured to do both normative jobs of efficiency and representation well*. This is because our semi-parliamentary system means Australia has 2 parts to its legislature that draw equal legitimacy, but where only one part has to supply confidence to the government. This means that we can have one part of a legislature doing the job of providing confidence in the government, cabinet stability and clear lines of accountability, while the other part of the legislature can be pushing further down the road towards more meaningful deliberation, scrutiny, representation and even normative experimentation such as citizens assemblies, sortition or other forms of deliberative democracy.

What might we want out of our political system? Norms, trade-offs and semi-parliamentarism

What norms can be accentuated by a semi-parliamentary system? One way to do this is to consider what Australians may want from their political system. Typically, we tend to think of normative values falling under the efficiency banner or the representational banner.

The efficiency of the system relates to 3 factors:

- First, **identifiability**, or how easy it is for voters to identify policy alternatives between potential governments. In Australia, this happens between parties that form government.
- Second, **cabinet stability**, that is how easy it is for a government to maintain its grip on power and who it must negotiate with in order to do so. This is directly related to the;
- Third, which is the **clarity of responsibility**. This boils down to how easy is it for citizens to work out who to blame when things go wrong.

In European-style proportional representation systems, which rely on coalition governments, it is harder for voters to work out exactly who to blame. In the UK, it is very easy to know exactly who is to blame, because of its majoritarian system, which produces strong majority governments that lack a meaningful challenger. In fact, efficiency is typically thought to be most prevalent in majoritarian systems.

By contrast, representational values emphasise 3 different factors:

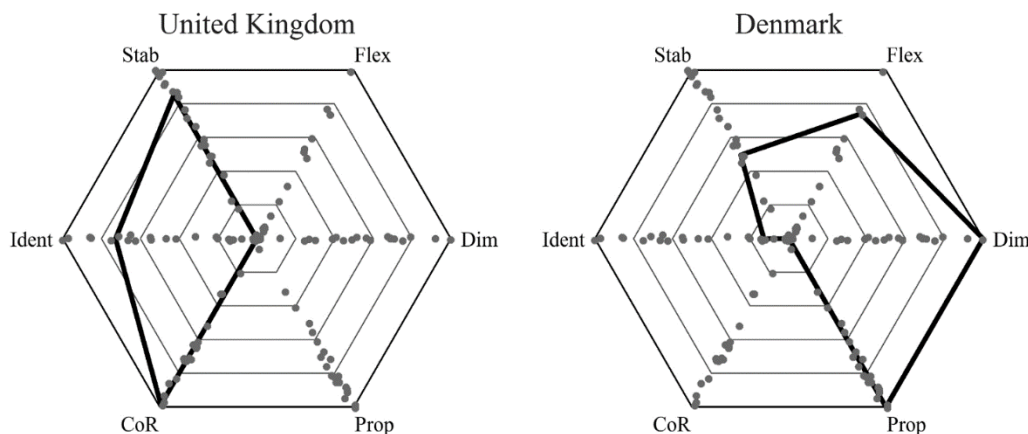
- First, **proportionality**, that is how well the electoral system translates votes by the public into legislative outcomes. This is typically understood to mean seats in parliament.

- Second, **dimensionality**, which is how well the system reflects the reality that voter's preferences are not uniform across the left-right spectrum. Put another way, someone might like lower taxes (typically coded 'right'), but also high education spending (typically coded 'left').
- The final relates to **flexibility**, which is how much governments are able to choose amongst coalition partners when constructing voting majorities to pass legislation. Greater flexibility means an increased likelihood that of a larger number of voter preferences may be incorporated into the totality of government decision-making.

Importantly, these trade-offs are linked, but not necessarily always zero-sum.

If we consider what these norms might look like in the real world, we can see how different political systems can do a better, or worse job, at fulfilling all 6 normative dimensions. Figure 3 is a graphic demonstration of the 6 dimensions used by Ganghof.²⁵

Figure 3: UK and Denmark mapped on 6 normative dimensions



Caption: 'Trade-off profiles of non-presidential democracies, 1995–2015' by Steffen Ganghof, used under [CC BY-NC-ND 4.0 DEED](https://creativecommons.org/licenses/by-nc-nd/4.0/)/ Cropped from original.²⁶

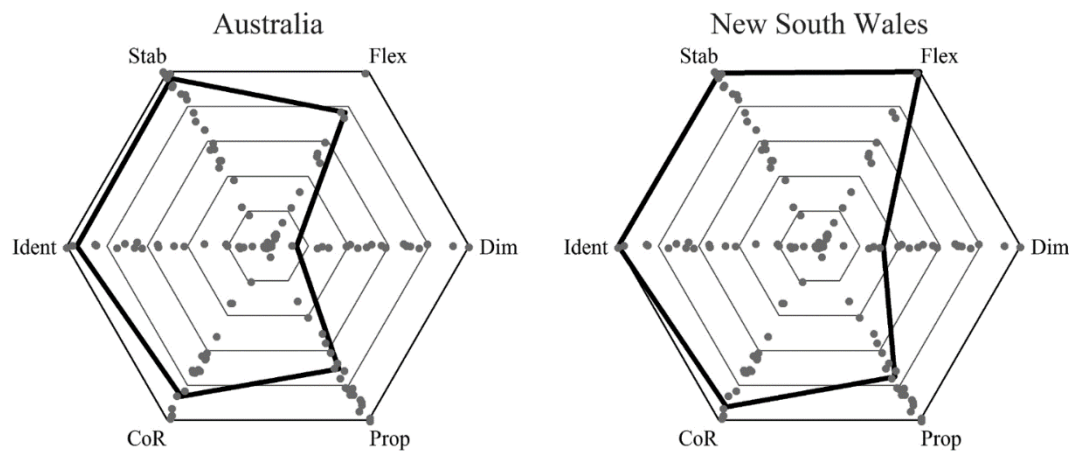
In Figure 3, we have the example of the UK and Denmark, which are considered the ideal type for an efficient parliamentary system and a representational parliamentary system respectively. Here we can see that the UK does a very good job of fulfilling the efficient normative dimensions but performs poorly in terms of representational normative dimensions. By contrast, Denmark is very strong on the representational normative dimensions and comparatively quite weak at the efficient normative dimensions.

If we compare this with the Australian Commonwealth and NSW Parliament (Figure 4), which if you recall is considered an ideal type of a semi-parliamentary system, we can begin to see how Australian models of executive-legislative relations performs better on both the efficient and representative normative dimensions. Where these models struggle is in the area of dimensionality, or the system's ability to reflect voters' multidimensional views on policy issues.

²⁵ Ibid.

²⁶ Ibid.

Figure 4: The Australian Parliament and NSW mapped on 6 normative dimensions



Source: 'Trade-off profiles of non-presidential democracies, 1995–2015' by Steffen Ganghof, used under [CC BY-NC-ND 4.0 DEED](#)/ Cropped from original.²⁷

Importantly, the reason why Australian models of executive-legislative relations can perform well across a higher number of normative dimensions, is because our upper chambers (the second part of our legislatures) are not responsible for providing confidence in the cabinet and they are also powerful in their own right.²⁸ However, despite relatively good performance on these normative dimensions, findings from the Australian Election Study suggest that voters are currently dissatisfied with democratic and political practice.²⁹

Institutions matter and so do actors

One of the main reasons why Australians may feel so dissatisfied with politics is because a lot of discussion of executive-legislative relations tends to overlook or under-play the importance of political parties as key actors. The reality is that although legislative theory tends to assume voters elect representatives who then do all of the deliberative, representational, scrutiny and confidence-securing work of legislature, it is actually political parties that occupy and execute these functions rather than individual legislators.³⁰

Political parties are in effect interest aggregators. They make it easier for voters to work out who to vote for by providing us with ideological shortcuts. They are also subject to their own internal logics driven by their formal and informal institutional norms.³¹ Parties are highly adaptive and are outstanding at extracting resources from the state and work hard to lock

²⁷ Ibid.

²⁸ André Kaiser, 'Parliamentary opposition in Westminster democracies: Britain, Canada, Australia and New Zealand', *The Journal of Legislative Studies*, vol. 14, issue 1, 2008, pp. 20–45.

²⁹ Sarah Cameron and Ian McAllister, *Trends in Australian political opinion: results from the Australian Election Study 1987–2022*, Australian National University, Canberra, 2022.

³⁰ For a longer articulation of this argument see Richard Lucy, *The Australian form of government: models in dispute*, 2nd edition, Macmillan, South Melbourne, 1993.

³¹ Thomas Poguntke, Paul Webb and Susan E. Scarrow (eds), *Organizing political parties: representation, participation, and power*, Oxford University Press, Oxford, 2017.

out competition were possible.³² Reform to Australia's voting system is a ready example of this: politicians appear to make reforms when the existing system appears threatening to the interests of parties of government. For example, consider that the last round of Senate reforms only occurred after the vote delivering a significant, and difficult to manage crossbench. This was despite a decades long debate, which focused on the poor representational outcomes of the previous Senate preference allocation system.³³ Legislative systems such as Australia's were designed before parties became dominant and that has resulted in a gap between the ideals and the reality of what happens in the legislature and which actors are actually the most influential.

Parties are not all bad though. Parties are also important democratic linkages between the executive and the governed.³⁴ However, the capability of parties to act as a meaningful democratic linkage has significantly deteriorated over time. Parties struggle to attract members from a wide cross-section of society.³⁵ Voters are different than they were in the 1950s and are not interested in programmatic politics in the same way as in the past.³⁶ Aside from electoral pressure and competition there are few institutional incentives for political parties to take their democratic linkage role seriously. Parties the world over have learnt they can occupy office with small organisations and memberships that are not reflective of the general public.³⁷

Political parties are the key actors that interpret both the formal and informal rules of how politics and political institutions operate. We can see this very clearly in the evolution of the Senate's role. Our nation's constitutional framers (who were overwhelmingly white men) argued over the precise role of the Senate. Many were wary of giving the Senate the vast powers that were eventually written in to the Australian Constitution.³⁸ After the solidification of the party system in 1909 to 1910, and the way the voting system operated meant that the Senate was typically dominated by whichever party won government and the government typically enjoyed a supermajority because of the way the Senate voting system operated at that time. The result was that the Senate was not the location of contestation that we understand it to be today. That was in large part because of the way parliamentary actors and political parties understood the Senate to function, which was reinforced by how the voting and party systems were organised.

It was only the result of a change to the voting system and, later, the rise of the Democratic Labor Party that both voters and parliamentarians began to come to grips with the

³² Richard Katz and Peter Mair, 'Changing models of party organization and party democracy: the emergence of the Cartel Party', *Party Politics*, vol. 1, issue 1, 1995, pp. 5–28.

³³ Damon Muller, '[Senate voting reform and the 2016 Senate election](#)', *Briefing book – key issues for the 45th Parliament*, Australian Parliamentary Library, Canberra, 2016.

³⁴ Russell J. Dalton, David M. Farrell and Ian McAllister, *Political parties and democratic linkage: how parties organize democracy*, Oxford University Press, Oxford, 2011.

³⁵ Emilie Van Haute and Anika Gauja (eds), *Party members and activists*, Routledge, London, 2015; and Narelle Miragliotta, 'Parties and the mass membership', in Narelle Miragliotta, Anika Gauja, and Rodney Smith (eds), *Contemporary Australian political party organisations*, Monash University Publishing, Clayton, 2015.

³⁶ Narelle Miragliotta, Anika Gauja, and Rodney Smith (eds), *Contemporary Australian political party organisations*, Monash University Publishing, Clayton, 2015.

³⁷ Russell J. Dalton and Martin P. Wattenberg, *Parties without partisans: political change in advanced industrial democracies*, Oxford University Press, Oxford, 2002.

³⁸ Brian Galligan, *A federal republic: Australia's constitutional system of government*, Cambridge University Press, Cambridge, 1995; and John Uhr, *Deliberative democracy in Australia: the changing place of parliament*, Cambridge University Press, Cambridge, 1998.

representational normative potential of the Senate. It started with people voting for minor parties, senators such as Lionel Murphy began advocating for the Senate's right to fulfil its democratic functions, and the creation of the Senate committee system in the 1970s. Together these 3 factors saw the Senate's role and powers evolve and expand to fill the untapped space created by the constitutional framers. By the mid-1990s, the Senate's standing orders were changed to better reflect a more equal relationship between government and opposition that characterised the true nature of relationships in the Senate. Political parties were essential actors in seeing these changes and evolutions occur and it is political parties that continue to see our legislative institutions evolve.³⁹

So now that we have an idea of what a semi-parliamentary system is, and what some of the implications might be, what might we do with this knowledge?

Semi-parliamentarism and some implications for reform

We know that in recent years Australians have been frustrated with the political system. Levels of satisfaction with democracy were in steady decline from the time of the election of the Rudd Labor Government until they reversed – a little – after the election of the Albanese Labor Government in 2022.⁴⁰

Indeed, the data shows a mixed picture. When we consider questions of trust, voters have low levels of trust in government and overwhelmingly believe that people in government look after themselves. Australians also believe that the government is run for a few big interests rather than everyone, which matches their feelings that governments are too distant from ordinary people. Yet, Australians generally believe that their vote matters and that it can make a difference.⁴¹

The long-term trends indicate that there is a cyclical dimension, with declines in satisfaction aligning with significant political crises. What was alarming about the long-term decline in trust in recent years is the fact that the election of the new Abbott Coalition Government in 2013 did not seem to make a difference. What is interesting about the 2022 data is that people seem to be more satisfied with democracy, but still do not rate governments or politicians very highly.

Indeed, it seems Australians have low confidence in politicians as a class of actors because they appear out of touch and have in recent decades increasingly appeared to run government in favour of elites. Yet, voters still think that who they vote for matters and there is an underlying faith in the overall system. These trends point to, in part, a disillusionment with political parties for some of the reasons outlined above, particularly relating to the breakdown of parties' role as vital civic linkages.

However, our political system has responded to this (perception of?) deficit through intense local organising. The 'voices of' and 'Teal' movements are an exciting live experiment in

³⁹ Stanley Bach, *Platypus and Parliament: The Australian Senate in Theory and Practice*, Department of the Senate, Canberra, 2003.

⁴⁰ Sarah Cameron and Ian McAllister, *Trends in Australian political opinion: results from the Australian Election Study 1987–2022*, Australian National University, Canberra, 2022.

⁴¹ Sarah Cameron and Ian McAllister, *Trends in Australian political opinion: results from the Australian Election Study 1987–2022*, Australian National University, Canberra, 2022. pp. 101–105.

grassroots democracy.⁴² It has demonstrated that the political system can still generate sufficient electoral competition to keep the major parties on their toes. But significantly, these independent movements are not institutionalised to the same degree as political parties.

Indeed, one of the independents' virtues is their flexibility and dependence on meaningful civic engagement. Their success has shown that Australians are interested and desirous of more meaningful representation and would like the legislature to do a better job on some of the representative norms outlined above. The risk, however, of relying on independence movements is the large amount of informal volunteer labour required to sustain them. There is no guarantee that the movement will continue or that it will deliver the results that the community wants.

This is not to talk down independents movements, rather it is to point out that we can think about how to introduce formalised institutional features that improve Australia's representational outcomes. We may want to add more members to the legislature in order to weaken party discipline, which contributes to several undesirable outcomes such as the way it generates multiple disincentives towards open deliberation and debate. We could consider different kinds of proportional representational arrangements in order to increase proportionality. We could consider creating an explicit confidence college, in effect formalising the reality of how politics is largely practised in the House of Representatives and concurrently experiment with different representational models in the Senate.

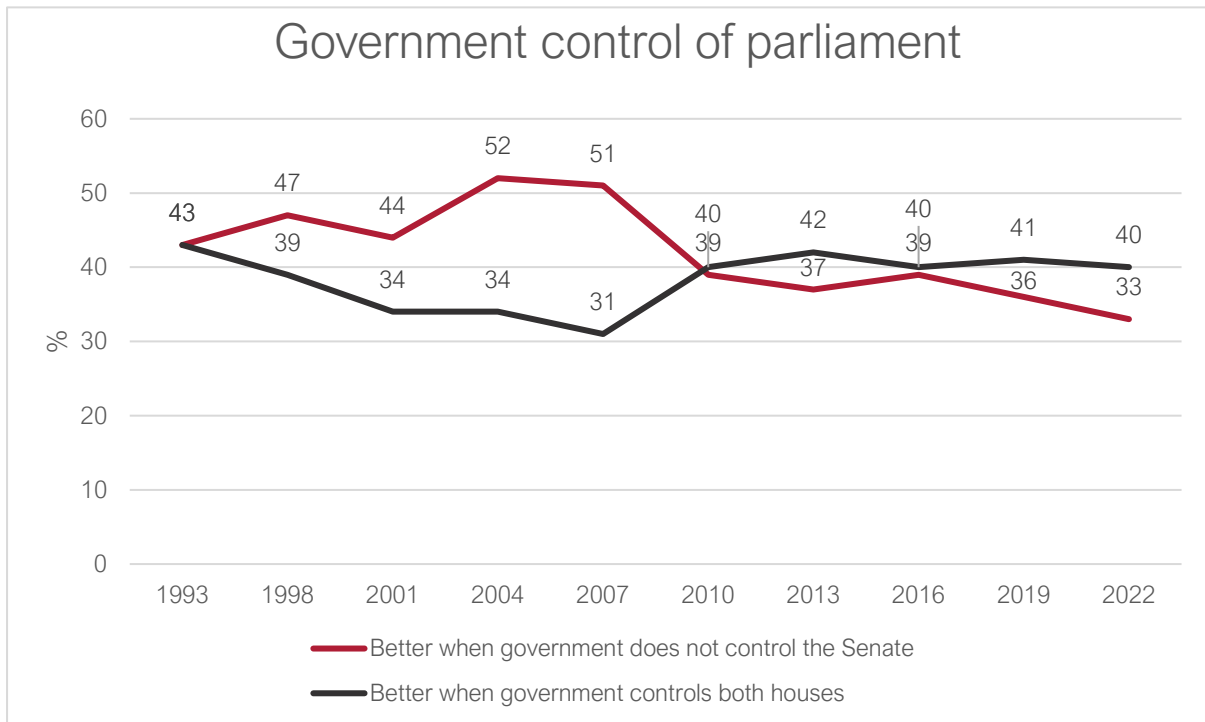
The point is that our system is *already* configured in such a way that we do not have to trade off stability for a different representational outcome. We can, *already*, manage both well. This does not mean that there would not be unintended consequences – there almost certainly would be. It just means that a core argument that we hear for not undertaking reforms – that we are a *parliamentary system* and that we should not put stable government at risk – is just not true. We are a semi-parliamentary system that already does a better job than most systems at balancing off norms of efficiency with norms of representation – and we could do more if we desired it as a nation.

Yet, most of us have never heard of a semi-parliamentary system. Indeed, evidence from the Australian Electoral Study also suggests that my argument is currently not popular.

Australians are lukewarm at best about the Senate's alternative mandate (Figure 5). Though, importantly, between 20% and 30% of Australians appear to have no opinion either way. But perhaps this is because we are thinking like people who believe they are in the parliamentary system, rather than a semi-parliamentary one.

⁴² Anika Gauja, Marian Sawyer and Jill Sheppard (eds), *Watershed: the 2022 Australian federal election*, ANU Press, Canberra, 2023.

Figure 5: Government control of parliament



Source: Sarah Cameron and Ian McAllister, *Trends in Australian political opinion: results from the Australian Election Study 1987–2022*, Australian National University, Canberra, 2022. p. 107.